



RESPONSE TO FINAL REJECTION  
Expedited Procedure  
Group Art Unit 1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

ENGEL et al.

Group Art Unit: 1615

Appln. No.: 09/333,256

Examiner: S. TRAN

Filed: June 15, 1999

Title: CYCLOPHOSPHAMIDE FILM-COATED TABLETS

October 15, 2002

\* \* \* \* \*

RESPONSE TO FINAL REJECTION

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is in response to the final official action dated April 15, 2002, wherein the claims 1-3 were rejected under 35 U.S.C. §102(e) and claims 1-6 were rejected under 35 U.S.C. §103(a). This response is timely filed as it is accompanied by a petition for an extension of time to file in the third month and the requisite fee. This response is also accompanied by a notice of appeal. The applicants respectfully traverse the outstanding rejections as follows.

REMARKS

The examiner again rejected claims 1-3 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,905,149 (hereinafter Battistini '149 ). The examiner asserted that the cited document discloses a film-coated tablet composition comprising diluents (e.g., lactose, corn starch, or cellulose), lubricants (e.g., magnesium stearate, silica), and binding agents (e.g., starches or cellulose). The examiner also asserted that the composition further comprises cyclophosphamide.

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Reasons  
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